

No. 69, S.]

[Published July 2, 1949.]

**CHAPTER 374.**

AN ACT to repeal 97.02 (10c); to repeal and recreate 97.02 (10), (10a) and (10b); and to amend 97.025 (1) of the statutes, relating to definitions of ice cream, sherbet and ices.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 97.02 (10), (10a) and (10b) of the statutes are repealed and recreated to read:

97.02 (10) ICE CREAM. (a) Ice cream is the frozen or partially frozen product made from cream, or milk and cream, and either sugar, dextrose, glucose (corn syrup) or honey or a mixture thereof, and may contain added milk solids, added milk fats, eggs, natural flavoring which may be fortified with methyl vanillin and not more than one-half of one per cent of edible gelatin or harmless vegetable gum or a mixture of said gelatin or gum, and contains not less than 13 per cent of milk fat nor less than a total of 21 per cent milk solids. The volume of ice cream after being melted shall be not less than one-half of the volume of the ice cream as manufactured and sold. In no case shall the finished product weigh less than 4.5 pounds per gallon.

(b) Custard ice cream, frozen custard, New York ice cream, French ice cream, is ice cream but may contain harmless food color and contains not less than 1-2/3 ounces of egg yolk solids, or its equivalent in eggs or egg yolks per gallon of the finished product.

(c) Fruit ice cream is ice cream, except that the milk fat content is not less than 11 per cent; provided the milk fat content shall not be less than 13 per cent when true fruit extract is used exclusively to flavor the product. It may contain harmless food color and true fruit extract, and shall contain sufficient sound, clean, mature fruit or true fruit extract to flavor the product to conform to the name under which it is sold.

(d) Nut ice cream is ice cream, except that the milk fat content is not less than 11 per cent. It may contain harmless food color and shall contain sufficient sound, clean, unrancid nuts to flavor the product to conform to the name under which it is sold.

(e) Chocolate or cocoa ice cream and caramel ice cream is ice cream, except that the milk fat content is not less than 11 per cent, and shall contain sufficient chocolate, cocoa, or caramel to flavor the product to conform to the name under which it is sold.

(f) Maple ice cream is ice cream, except that the milk fat content is not less than 11 per cent. It may contain harmless food color and shall contain sufficient maple sugar, maple syrup or maple concentrate to flavor the product to conform to the name under which it is sold.

(g) Malted milk ice cream or malted ice cream is ice cream, except that the milk fat content is not less than 11 per cent. It may contain harmless food color and shall contain sufficient malt extract, malt sugar, malted milk or malt syrup, and sufficient chocolate or fruit to flavor the product to conform to the name under which it is sold.

(h) *Miscellaneous ice creams.* All other flavored ice cream is ice cream and contains sufficient true food flavoring extract to flavor the product to conform to the name under which it is sold; except that when ice cream is flavored with candy, macaroons, other cookies, prepared breakfast cereal or other suitable bulky food products in necessary amounts exceeding 2 ounces per gallon, the milk fat content is not less than 11 per cent.

(i) Dry ice cream mix or concentrated ice cream mix, in consumer size packages, are the products in dry or semi-liquid form containing milk fat, other milk solids, sweetening and not more than one-half of one per cent of edible gelatin or harmless vegetable gum, with or without malt syrup, malt sugar, malted milk, clean, sound matured fruit pulp, true fruit flavoring, eggs, chocolate, cocoa, maple sugar and other natural flavoring which may be reinforced with methyl vanillin, and harmless food color; the product shall be such that when reconstituted with water or milk and frozen according to the directions printed upon the container the resulting product will be ice cream. All consumer packages shall be plainly labelled to show the ingredients of the product.

(j) Diabetic ice cream is a frozen or partially frozen product made from cream, or milk and cream, and saccharine, and may contain added milk solids, added milk fat, eggs, natural flavoring, edible gelatin or harmless vegetable gum, and shall contain not less than 13 per cent of milk fat, nor more than one-half of one per cent of said gelatin or gum, or a mixture of said gelatin and gum. The volume of ice cream after being melted shall be not less than one-half the volume of the ice cream as manufactured and sold. It shall contain no sugar.

(10a) SHERBET, MILK SHERBET, ICE MILK. Sherbet, milk sherbet or ice milk is the frozen or partially frozen product made from milk or the constituent parts of milk and either sugar, dextrose, glucose (corn syrup) or honey or a mixture thereof and water; it shall be either fruit or mint flavored, and may contain eggs, fruit, fruit juice, true fruit or mint flavoring, harmless food color, and not more than one-half of one per cent of edible gelatin or harmless vegetable gum or a mixture of said gelatin gum; the final product shall contain not more than 3.5 per cent of milk fat, nor more than 10 per cent of milk solids, and not less than thirty-five one-hundredths of one per cent of citric acid, tartaric acid, or lactic acid, or mixtures of such acids, measured and expressed as lactic acid.

(10b) FRUIT ICE, WATER ICE. Fruit ice or water ice is frozen product made from fruit juice or juices, water and either sugar, dextrose, glucose (corn syrup) or honey or a mixture thereof, and may contain fruit, true fruit or mint flavoring, harmless food color, citric acid, tartaric acid, lactic acid, or combinations of such acids, edible gelatin or harmless vegetable gum or a mixture of such gelatin or gum or a mixture thereof; the finished product shall not contain in excess of seventy-five one-hundredths of one per cent of stabilizing agent.

SECTION 2. 97.02 (10c) of the statutes is repealed.

SECTION 3. 97.025 (1) of the statutes is amended to read:

97.025 (1) No person shall manufacture, sell or offer or expose for sale, or have in his possession with intent to sell for use or consumption in this state any article, product or compound made wholly or partly out of milk, cream, \* \* \* *sweetening ingredient*, flavoring, with or without coloring or eggs, which shall be in imitation of ice cream, sherbet or ices as defined by section 97.02.

Approved June 28, 1949.